

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DIANE REINBOLD,

Plaintiff,

Case No. 13-13601

Honorable Thomas L. Ludington

v.

LAW OFFICE OF JOE
PEZZUTO, LLC,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
COMPLAINT FOR FAILURE TO PROSECUTE**

Diane Reinbold filed this action alleging violations of the Fair Debt Collection Practices Act. All pretrial matters in the case were referred to United States Magistrate Judge Charles E. Binder pursuant to 28 U.S.C. § 636(b)(1).

On January 10, 2014, Judge Binder entered an order that Reinbold show cause why the case should not be dismissed for failure to prosecute. Although a response was due on January 24, Reinbold made no attempt to respond. Accordingly, on February 4, 2014, Judge Binder issued a report recommending that Reinbold's complaint be sua sponte dismissed for failure to prosecute. Judge Binder's report explicitly stated that the parties may object to and seek review of the recommendation within 14 days of service of the report, but as of today's date neither party has filed objections. The failure to object to Judge Binder's report releases the Court from its duty to independently review the record. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Moreover, the failure to file objections to the report waives any further right to appeal. *See Smith v. Detroit Fed'n of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987).

Accordingly, it is **ORDERED** that the Judge Binder's report and recommendation, ECF No. 5, is **ADOPTED**.

It is further **ORDERED** that Reinbold's complaint, ECF No. 1, is sua sponte **DISMISSED** for failure to prosecute.

Dated: February 26, 2014

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on February 26, 2014.

s/Tracy A. Jacobs
TRACY A. JACOBS